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June 20, 2005  
**VIA ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Room TW-B204  
Washington, DC 20554

*Re: WT Docket No. 02-353, WT Docket No. 04-356, RM 10956; **EX PARTE***

Dear Ms. Dortch

Leap Wireless International, Inc., on behalf of itself and its affiliated Cricket entities (collectively, “Leap”), has been following with interest the Commission’s implementation of service and competitive bidding rules governing the allocation and assignment of Advanced Wireless Services (“AWS”) spectrum.<sup>1</sup> In connection with the eventual proposed auctions of AWS spectrum licenses, Leap wishes to make the following two overarching points.

First, Leap wishes to lodge its support for the modified band plan for the allocation of AWS spectrum at 1710-1755 MHz and 2110-2155 MHz proposed by The Rural Telecommunications Group (“RTG”) and T-Mobile, Inc. (“T-Mobile”), which would create six (rather than five) license blocks of varying size in terms of both spectrum and geography.<sup>2</sup> Leap agrees that the diversity in license block sizing and the introduction of an additional license to the band plan will introduce increased opportunities for competition in the Commercial Mobile Radio Services (“CMRS”) marketplace.

Second, Leap also agrees with certain proposals of Council Tree Communications, Inc. (“Council Tree”) regarding the preservation of designated

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<sup>1</sup> AWS spectrum generally includes spectrum at 1710-1755 MHz and 2110-2155 MHz; 1915-1920 MHz and 1995-2000 MHz; and 2020-2025 and 2175-2180 MHz.

<sup>2</sup> *See, e.g., Ex Parte Presentation of T-Mobile, Inc., Advanced Wireless Services Band Plan*, WT Docket No. 02-353 (May 31, 2005).

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entity ("DE") incentives in connection with the auction of AWS licenses.<sup>3</sup> Specifically, Leap supports Council Tree's proposals (i) to increase the maximum DE bidding credit in AWS auctions from 25% to 35%, (ii) to preclude large incumbent wireless carriers (defined as those carriers with wireless revenues of \$5 billion or more) from having material financial or operational involvement with qualified DEs, and (iii) to provide an additional 10% bidding credit for DEs providing service to underserved segments of the population.

Leap believes, for the reasons stated in detail by Council Tree, that each of these proposals has merit and would advance Congress's and the Commission's goals of promoting competition and diversity in the allocation, development and operation of AWS spectrum licenses -- all to the great benefit of consumers in the CMRS marketplace.

Very truly yours,

- /s/ -

James H. Barker

Counsel for Leap Wireless International, Inc.

cc: Robert Irving, Esq., LWI  
Tim Ostrowski, LWI

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<sup>3</sup> See, e.g., *Ex Parte Letter of Council Tree Communications, Inc.*, WT Docket Nos. 02-353, 04-356 (June 13, 2005).